

SUBJECT: <b>Patrol</b>	NUMBER: 2-18.01
EFFECTIVE DATE:	REVIEW DATE:
NMMLEPSC STANDARDS: OPR.07.01, OPR.07.02, OPR.07.03, OPR.07.04, OPR.07.05, OPR.07.11, OPR.07.12, OPR.07.13, OPR.07.14, OPR.07.15, OPR.07.16	APPROVED: Sheriff

## **I. POLICY**

This policy has been established to provide guidelines for providing general assistance to all persons utilizing highways and public thoroughfares. This includes giving information and direction, assisting motorists with stranded vehicles, enforcing traffic laws, taking action on highway hazards and dealing with hazardous materials. The intent of this order is to assist in providing for the safe and efficient flow of traffic and to ensure the public safety.

## **II. RULES AND REGULATIONS**

### **A. Traffic Enforcement**

1. Local government employees, including Valencia County Sheriff employees, are not exempt from traffic laws even when the employee is operating a county vehicle.
2. When an deputy observes a traffic violation, the deputy has the discretion to take one of these actions:
  - a) Issue a verbal or written warning.
  - b) Issue a traffic citation.
  - c) Make a custodial arrest.

These arrests normally should be limited to those which are required by law, necessary to protect the violator or the public from injury, or necessary to have a violator appear in court, or in cases of a violator's refusal to sign the citation.

3. A uniform traffic enforcement policy does not preclude the exercise of the deputy's discretion. Discretion should be based on the seriousness of the violation and the action most likely to result in future compliance with the law.

### **B. Traffic Stops**

Motorists and pedestrians shall only be subjected to stops, seizures or detention upon reasonable suspicion that they have committed, are committing, or are about to commit

an infraction. Upon observation of a violation, deputies will stop the vehicle in a manner and location that minimizes danger to the violator, the deputy and the public.

1. When checking out with a vehicle the deputy should relay the following information to dispatch:
  - a) license plate number of vehicle
  - b) description of vehicle
  - c) location of traffic stop
2. The patrol vehicle should be parked safely behind the violator with emergency lights operating. Positioning of the vehicles should allow protection for the deputy from traffic approaching from the rear.
3. During hours of darkness, the spotlight may be directed at the rear window of the violator vehicle. This is generally done to allow the deputy a better view of what is happening inside the violator vehicle.
4. The department recognizes that with experience, deputies may develop individualized approaches that they find work best for them in minimizing conflict during deputy/violator contacts. Given some better approach, the following is recommended, in the order specified below:
  - a) When dealing with the violator, deputies interactions should be in positive and polite manner. Deputies should inform the violator of their name and why they were stopped. Describing the actions of the vehicle rather than personalizing the action to the driver tends to reduce tension, for example "I stopped you because I saw your vehicle come through the stop sign at that last intersection without coming to a complete stop" instead of "I saw you run the stop sign".
  - b) It may defuse tension to ask a motorist if there was some reason for the violation. This gives them the opportunity to "have their say," often leads to an admission that the violator realized they were in violation, and precludes a defendant from offering a difference excuse at trial. If you choose not to ask but the motorist wishes to give a reason or excuse, listen politely and give them ample opportunity to tell their story.
  - c) After completing any necessary paperwork, inform the driver as to what action is being taken and what, if any, the person must do as a result, such as how to mail in any fine involved, see the judge, etc.
5. Optional levels of enforcement may be utilized in incidents of:
  - a) Speed Violation
  - b) Hazardous violations other than speed
  - c) Public carrier/commercial vehicle violations
  - d) Other non-hazardous violations

- e) Multiple violations
  - f) Newly enacted laws and regulations
  - g) Pedestrian and bicycle violations
  - h) Violations in Traffic Crashes
  - i) Equipment Violations
  - j) Off road vehicle violations
  - k) Operating a vehicle with suspended or revoked Driving privileges
6. Appropriate enforcement action should always be completed, generally in the form of a warning, citation, or arrest. The traffic citation form must be filled out by the deputy, fully and completely on the face. If this information can reasonably be ascertained by physical appearance or from the driver's license or other documents provided by the individual.
  7. No motorist, once cited or warned, shall be detained beyond the point where there exists no reasonable suspicion of further criminal activity, and no person or vehicle shall be searched in the absence of a warrant, a legally recognized exception to the warrant requirements, or the person's voluntary consent.
  8. In the absence of a specific, credible report containing a physical description, a person's race, ethnicity, gender or sexual orientation or any combination of these shall not be a factor in determining probable cause for an arrest or reasonable suspicion for a stop.
  9. Deputies should maintain a professional image, in a pleasant, firm and businesslike manner.
  10. Driver's license and insurance cards shall not be accepted until they are removed from a wallet, billfold or purse, which will be returned to the driver upon completion.
  11. The traffic stop should be completed as quickly as possible. If practical, a computer check shall be requested from communications on the driver.
  12. Upon completion of the traffic stop, deputies should return to their vehicles while maintaining a watch on the occupants of the stopped vehicle. Deputies should allow the violator vehicle to leave first to afford protection from oncoming traffic.

### C. Special Circumstances In Traffic Enforcement

#### 1. Non-Resident Violators

Non-resident violators should be treated the same as a resident violator. They will be allowed to sign the penalty assessment or sign to appear in court, as appropriate. Discretion on the part of the deputy should be used in issuing verbal warnings as opposed to written citations, just as with any violator.

## 2. Juveniles

- a) As provided in the New Mexico Children's Code, the Magistrate Court has original exclusive jurisdiction over all traffic code violations, with certain exceptions. However, if the Children's Court acquires jurisdiction over a child pursuant to any of the Motor Vehicle Code violations listed in the Children's Code, it shall have jurisdiction over all traffic violations alleged to have been committed by the child arising out of the same occurrence.
- b) It is recommended that if a citation is written to a child under the age of fifteen (15), the deputy may have the parent or guardian co-sign the citation.

## 3. Legislators

Legislators will be treated the same as other violators with one exception: Immunity shall be granted for travel to, from and during current legislative sessions as is covered under the New Mexico State Constitution in Article IV, Section 13. "Members of the Legislature, in all cases except treason, felony, and breach of the peace, may be privileged from arrest during their attendance at the sessions of their respective houses and while going to and returning from the legislative house."

## 4. Military Personnel

Military Personnel will be treated in the same manner as other violators. The New Mexico Motor Vehicle Code has exempted any person in military service of the United States or who has been honorably discharged within thirty days from licensure when:

- a) They hold a driver's license of this state not more than six (6) years old which has expired while the holder was in service.
- b) They are stationed outside the geographical limits of this state.
- c) They are on leave from military service.
- d) Only while operating a motor vehicle in this state.

## 5. Foreign Diplomats/Consular Officials

- a) When a Consular Official is stopped for a moving violation, the deputy, upon being advised by the driver that they are a Consular Official and ascertaining that they possess the proper credentials, should exercise discretion based on the nature of the violation and either dismiss the motorist with a warning or proceed with the appropriate enforcement. Mere issuance of a traffic citation does not constitute arrest or detention.
- b) Driving While Intoxicated.  
The primary consideration in this type of incident should be to ensure that the Consular Official is not a danger to himself or the public. Based upon a determination of the circumstances, the following alternatives are available:

- i. Contact a relative or friend to take custody of the official.
- ii. Call a taxi for the official.
- iii. Take the official to a secure environment.

c) Family members

Family members of a Consular Official cannot claim immunity.

D. Citations

1. Deputies may give the violator the option to appear in court or sign the penalty assessment (The deputy must confirm whether or not the violation is on the penalty assessment list. If it is not on the list, the violator will be cited into court.)
  - a) If the violator chooses to mail in the penalty assessment he/she should be advised that it must be mailed within 30 days. Deputies will ensure the violator has the correct address to use for mailing in the fine. If the violation is referred to Magistrate Court, the violator must be cited into court. Penalty assessments are applicable only for traffic citations.
  - b) If the violator is cited into Magistrate Court, he/she will be cited in for the next court appearance date at the specified time.
2. The deputy will ensure that the violator signs in the correct place prior to releasing the individual. If the violator refuses to sign a citation, the violator shall be given a second opportunity to sign the citation, being advised that the failure to do so will result in a custodial arrest. If the violator still refuses to sign the citation, an arrest will be made. The citation will reflect in the signature area REFUSED.
3. If there are any witnesses to the violation, list the name, DOB, address, work/home telephone number, and place of employment for each on the back of the original citation in the "Remarks" section.
4. Deputies are required to enter the citation information into the department's records management program. The citation should be turned in for supervisor approval on the same day it is issued.
5. Deputies issuing traffic citations will make every attempt to cite into the Magistrate Court closest to the violators home address. Deputies will indicate a court date on the citation when it is issued, unless exigent circumstances exist, (i.e. The violator has been transported to the hospital, or there is some reason the violator cannot sign the citation).

E. Speed Violations

1. In order to ensure that traffic safety goals and objectives are met, the Department uses speed measuring devices in traffic law enforcement.
2. Equipment used as speed measuring devices includes:

- a) Radar speed measuring devices determined to be in full compliance with standards of performance established by the Federal Communications Commission and the National Highway Traffic Safety Association.
  - b) Laser Radar (lidar) speed measuring devices determined to be in full compliance with standards of performance established by the Federal Communications Commission and the National Highway Traffic Safety Association.
- 3. At the beginning and end of each shift, radar/lidar tests shall be conducted on radar/lidar units to determine accuracy and proper functioning.
- 4. If a radar/lidar unit fails any of the tests, is damaged or exhibits decreased range, it shall be removed from service immediately.
  - a) The radar/lidar unit will be turned in to the property room supervisor to ensure that the radar/lidar unit is repaired.
  - b) A maintenance and calibration log will be maintained for the radar/lidar units. This log will include problems that have been encountered with the radar, when it was sent for repairs, when it was returned to the Department and any calibration that was done on the radar.
- 5. No deputy shall utilize the radar/lidar unless they have been trained and certified in its use.

#### F. Traffic Direction Procedures

##### 1. General Provisions

- a) Manual traffic direction is performed in emergency situations, traffic crashes, and at areas determined to be problem areas.
- b) Deputies actively involved in manual traffic direction shall wear issued reflective vests.
- c) Uniform hand signals shall be utilized and whistle techniques may be used by deputies to communicate understandable messages and directions to any driver or pedestrian on the roadway coming into or close to an area where an emergency situation, or any circumstance where deputies are using manual traffic direction techniques.
  - i. Deputies using manual traffic direction use open hand, stiff arm techniques for stopping traffic flow and continued traffic flow.
  - ii. Deputies may indicate traffic signals with whistles along with hand gestures using the following method. If whistle techniques are used a long continuous blast is used to stop approaching traffic. Two short blasts in rapid succession are used to precipitate the beginning of movement, the continuation of movement or to indicate a turning movement.

## 2. Fire Scenes

In the event of a fire or other emergency, Department personnel direct traffic as conditions may require, in order to:

- a) Expedite or direct traffic flow
- b) Safeguard pedestrians and motorists
- c) Safeguard emergency personnel, emergency operations and equipment

## 3. Adverse Roads and Weather Conditions

- a) During periods of adverse weather and road conditions, deputies provide traffic direction or assistance on an emergency basis, as needed.
- b) If assistance is required from other County departments or agencies, on-call personnel for these departments are notified as soon as possible. A call list for these departments is maintained in the Communications Center allowing for 24 hours access. Deputies maintain manual traffic direction until the roadway is safe for travel.

## G. Emergency Escorts

- 1. Deputies of this Department will not escort any vehicles, including ambulances, on an emergency Code 3.
- 2. Deputies will not block intersections for any vehicles, including ambulances, traveling Code 3.
- 3. Deputies will not transport any victims of sickness or injury in a police unit unless authorized by the shift supervisor in consideration of existing conditions, gravity of the situation, and nature of the emergency. Ambulance service will be called for persons in need of medical treatment.

## H. Funeral Escorts

All funeral procession escorts must be approved by the Sheriff or his designee. All such requests must be made at least twenty four hours in advance.

- 1. Two methods of escorts are approved prior to leaving the funeral home/church, deputies should decide which one will be utilized
  - a) Relief: A unit holds an intersection until the following unit catches up and relieves him. The first unit then moves on to the next intersection.
  - b) Leapfrog: A unit holds an intersection and remains there while secondary units come by them going to the next intersection. This requires that the unit allow room for the secondary units to pass.
- 2. No deputies shall exceed the posted speed limit while escorting a funeral.

3. No deputy shall drive in any manner so as to endanger the public while on escort duty.

#### I. Motorist Assistance

1. The Valencia County Sheriff's Department does not respond to calls for motorist assists if the complaint is that keys are locked in vehicles or they can't start them. The only exception to this is if exigent circumstances exist (ie, small child locked inside). Motorists will be advised they should seek assistance through other means (i.e., locksmith, private company, family, etc.).
2. The Valencia County Sheriff's Department will contact a towing service for a stranded motorist. The motorists need to be told that this service will be paid for by them, the County does not pay the cost. The deputy needs to request this assistance, along with the name of the requestor, and Communications will contact and dispatch a tow truck to the scene. The towing service utilized should be at the choice of the requestor. If the vehicle is a traffic hazard, the deputy should stand by until arrival of the towing service.

#### J. Emergency Assistance

1. In emergency medical situations, department personnel shall normally render only that degree of care necessary to sustain life(first aid), prevent or control shock, and/or prevent further harm based on the deputies level of training and abilities.
2. If first aid is necessary, the deputy should radio for an ambulance to respond while rendering first aid.

#### K. Hazardous Highway Conditions

At any time when one of the below hazards exists, the deputy shall request communications personnel to notify the proper agency. The deputy needs to advise communications personnel whether this hazard needs to be taken care of immediately or can wait until the beginning of the next business day.

1. Traffic light in need of repair (this includes light out or not working properly);
2. Traffic control device down (I.e., stop sign, yield sign, school crossing, etc.)
3. Electrical power lines;
4. Large debris in roadway (if after hours, try to remove to side of road if possible);
5. Breaks in water, gas or other utility mains;
6. Snow/Ice on roadway (to determine the need for some type of service);
7. Fire hazards needing attention;

8. Defects in the roadway;
9. Street light(s) out;
10. Dead animals/injured animals.

L. Hazardous Materials

1. Hazardous Materials are defined as those substances, which in quantity or form, constitute an unreasonable risk to the health and welfare of the public. They fall into the categories of gases, liquids, explosives, oxidizers, solids, corrosives, poisons, and radioactive materials.
2. The primary responsibility of the Valencia County Sheriff's Department at the scene of a Hazardous Material spill is containment, evacuation and/or crowd control. The New Mexico State Police should be contacted.

M. Temporary Traffic Control Devices

1. Temporary traffic control devices such as portable stop signs, barricades, or traffic cones may be used at locations where traffic control is required responsibility for requesting these devices rests with the person in charge of the scene.
2. The Department has authority to place and maintain temporary traffic control devices when necessary for regulating, warning, or guiding traffic on any public roadway.